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11.06.03
Walden,
Lorraine

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Christopher Richardson) N. S. Morrison, Examiner,
Serial No.: 09/582,253) Art Unit 3632
Filing Date: June 22, 2000) ULT4084P0160US
P4027

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**REQUEST FOR EXTENSION OF TIME, AMENDMENT,
AND REQUEST FOR RECONSIDERATION**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

A two-month extension of the shortened time set for responding to the Office Action dated June 24, 2003, is requested. You are authorized to charge the extension fee and any other fee that may be now due to Deposit Account No. 23-0785.

You are requested to correct the Abstract, as marked on an appended sheet, whereby to eliminate an informality noted by the examiner. The informality is regretted.

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You are requested to reconsider the rejection of claim 13 and its dependent claims under 35 U.S.C. § 103(a) as being unpatentable over Dom Holdings [FR 1,559,036 A] in view of Smith [GB 2,315,090 A].

Referring to the first and second parts (1, 2) of the connecting device of Dom Holdings, the examiner has proposed that "[i]t would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the first and second parts (1, 2) to include co-operating formations for limiting movement of the second part relative to the first part in a given direction along the longitudinal axis of the pipe because one would have been motivated to prevent axial displacement of the first and second parts as disclosed and inherently taught by Smith."

Moreover, the *Manual of Patent Examining Procedure* provides in section 2143.01, at page 2100-127 (Rev. 1, Feb. 2003) that "[i]f the proposed modification

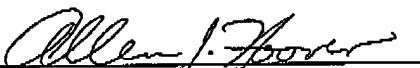
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would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification" [citation omitted] and, further, that "[i]f the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious" [citation omitted].

In every embodiment disclosed in Dom Holdings, it is evident from the drawings that the first and second parts (1, 2) are incapable of axial movement relative to each other, once the second part 2 has been snapped into the first part 1. Thus, as the proposed modification discussed above would enable axial movement of the second part 2 relative to the first part 1, the proposed modification would render the connecting device of Dom Holdings unsatisfactory for its intended purpose and, further, would change its principle of operation.

The undersigned attorney submits, therefore, that there is no suggestion or motivation for the proposed modification discussed above and, further, that the teachings of the prior art (Dom Holdings and Smith) are not sufficient to render the claims *prima facie* obvious. The undersigned attorney solicits the allowance of the claims in their present forms.

Respectfully submitted,

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ABSTRACT

A connecting device for securing a down pipe to a wall comprises a first part fixable to the surface and a second part attachable to the first part and forming an at at least partial enclosure for the pipe, the attachment of the second part to the first part being selectively adjustable, whereby spacing of the pipe from the wall is adjustable. Co-operative formations prevent slidable movement of the second part relative to the first part, in a given direction along the longitudinal axis of the pipe, but permit slidable movement of the second part relative to the first part in an opposite direction, along the longitudinal axis of the pipe, once the second part has been slidably attached to the first part.